



---

# **Business Regulation Committee**

**Wednesday, April 5, 2006  
3:30 PM - 5:30 PM  
REED HALL**

**ACTION PACKET**

**REVISED**

# COMMITTEE MEETING REPORT

## Business Regulation Committee

4/5/2006 3:30:00PM

**Location:** Reed Hall (102 HOB)

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Frank Attkisson (Chair)	X		
Thad Altman	X		
Jennifer Carroll	X		
Charles Dean	X		
Susan Goldstein	X		
Kenneth Gottlieb	X		
Ron Greenstein	X		
Wilbert Holloway	X		
Dorothy Hukill	X		
Bruce Kyle	X		
John Legg	X		
Marcelo Llorente	X		
Carlos Lopez-Cantera	X		
Juan-Carlos Planas	X		
Ari Porth	X		
Ron Reagan	X		
Timothy Ryan	X		
Baxter Troutman	X		
Juan Zapata	X		
<b>Totals:</b>	<b>19</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, April 05, 2006 7:18:18PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

4/5/2006 3:30:00PM

Location: Reed Hall (102 HOB)

HB 11 : Indoor Smoking Places

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein			X		
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg			X		
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan	X				
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)		X			
Total Yeas: 15		Total Nays: 1			

Committee meeting was reported out: Wednesday, April 05, 2006 7:18:18PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 - conforming

Bill No. **HB 11**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

4/5/01

Council/Committee hearing bill: Business Regulation

Representative(s) Attkisson offered the following:

**Amendment**

Remove line(s) 172-177 and insert:

required by this subsection. A licensed vendor shall not knowingly make a false statement on the affidavit required by this subsection. In addition to the penalties provided in subsection (7), a licensed vendor who knowingly makes a false statement on the affidavit required by this subsection may be subject to suspension or revocation of the vendor's alcoholic beverage license under s. 561.29.

000000

Page 1 of 1

Attkisson - conforms to HB 317 1<sup>st</sup> Eng.

# COMMITTEE MEETING REPORT

## Business Regulation Committee

4/5/2006 3:30:00PM

Location: Reed Hall (102 HOB)

HB 849 CS : Regulation of Foreign Language Court Interpreters

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle	X				
John Legg	X				
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan	X				
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
<b>Total Yeas: 19</b>		<b>Total Nays: 0</b>			

### Appearances:

Joseph Farina (State Employee) - Proponent  
State Court System/Chief Judge  
73 West Flagler  
Miami Florida 33129  
Phone: 305-349-7054

Committee meeting was reported out: Wednesday, April 05, 2006 7:18:18PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

4/5/2006 3:30:00PM

Location: Reed Hall (102 HOB)

HB 1139 CS : Construction Defects

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman			X		
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg			X		
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan	X				
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 05, 2006 7:18:18PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

4/5/2006 3:30:00PM

Location: Reed Hall (102 HOB)

HB 1319 CS : Certification of Swimming Instructors

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman	X				
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill			X		
Bruce Kyle	X				
John Legg			X		
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan	X				
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 17      Total Nays: 0					

Committee meeting was reported out: Wednesday, April 05, 2006 7:18:18PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 1319

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

4/3/04

Council/Committee hearing bill: Business Regulation  
Representative(s) Goldstein and Greenstein offered the  
following:

**Amendment**

Remove line(s) 23 - 24, and insert:

(1) Any person working at a swimming pool who holds herself  
or himself out as a swimming instructor specializing in training  
people who have developmental

000000



# COMMITTEE MEETING REPORT

## Business Regulation Committee

4/5/2006 3:30:00PM

**Location:** Reed Hall (102 HOB)

**HB 1331 : Contact Lens Consumer Protection**

☒ *Temporarily Deferred*

### Appearances:

Rob Wilkey - Opponent  
Commonwealth Brands  
P.O. Box 51587  
Bowling Green Kentucky 42102  
Phone: 270-781-9100

Ron Denman - Information Only  
General Tobacco  
2980 NW 108 Avenue  
Doral Florida 33172  
Phone: 305-500-9595

Guillermo Fernandez-Quinnoes (Lobbyist) - Proponent  
Atty for Dosal Tobacco  
100 SE 2nd Street, Ste. 3400  
Miami Florida 33131  
Phone: 305-347-4081

Yolanda Nadar - Proponent  
DEO Dosal Tobacco  
Miami Florida 33133  
Phone: 305-649-2989

Mike Huey (Lobbyist) - Information Only  
Dosal Tobacco  
1125 Carriage Boulevard  
Tallahassee Florida 32312  
Phone: 224-7091

Committee meeting was reported out: Wednesday, April 05, 2006 7:18:18PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

4/5/2006 3:30:00PM

Location: Reed Hall (102 HOB)

HB 1425 : Advisory Council on Condominiums

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman			X		
Jennifer Carroll	X				
Charles Dean	X				
Susan Goldstein	X				
Kenneth Gottlieb	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Dorothy Hukill	X				
Bruce Kyle			X		
John Legg			X		
Marcelo Llorente	X				
Carlos Lopez-Cantera	X				
Juan-Carlos Planas	X				
Ari Porth	X				
Ron Reagan	X				
Timothy Ryan	X				
Baxter Troutman	X				
Juan Zapata	X				
Frank Attkisson (Chair)	X				
Total Yeas: 16      Total Nays: 0					

Committee meeting was reported out: Wednesday, April 05, 2006 7:18:18PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

4/5/2006 3:30:00PM

**Location:** Reed Hall (102 HOB)

### Other Business Appearance:

Workshop on PCS for HB 1313:

Jay Magure - Proponent

1-800-CONTACTS

66 East Wadsworth Park Drive

Draper Utah 84020

Phone: 801-924-9800

Workshop on PCS for HB 1313:

Edward Correia - Opponent

CooperVision Inc.

555 11th street

Washington DC 20004

Phone: 202-637-2200

Workshop on PCS for HB 1313:

Dr. Ron Foreman - Opponent

Florida Optometric Assoc

763 SW Main Blvd

Lake City Florida 32025

Phone: 386-752-1714

Workshop on PCS for HB 1313:

Dr. Rebecca DelMoral - Opponent

Optometric Physician

10521 N. Kendall Drive, #E103

Miami Florida 33175

Phone: 305-279-2212

Workshop on PCS for HB 1313:

Dr. Rebecca DelMoral - Opponent

Optometric Physician

10521 N. Kendall Drive, #E103

Miami Florida 33175

Phone: 305-279-2212

Workshop on PCS for HB 1313:

Steven Schuster - Opponent

Hydagel Vision

7575 Commerce Court

Sarasota Florida 34243

Phone: 841-526-0001

Workshop on PCS for HB 1313:

Pat Brennan - Opponent

1710 South Parrott Avenue

Okeechobee Florida 34974

Phone: 863-467-0595

Committee meeting was reported out: Wednesday, April 05, 2006 7:18:18PM

# COMMITTEE MEETING REPORT

## Business Regulation Committee

4/5/2006 3:30:00PM

**Location:** Reed Hall (102 HOB)

### Summary:

#### Business Regulation Committee

*Wednesday April 05, 2006 03:30 pm*

HB 11	Favorable With Committee Substitute	Yeas: 15	Nays: 1
HB 849 CS	Favorable	Yeas: 19	Nays: 0
HB 1139 CS	Favorable	Yeas: 16	Nays: 0
HB 1319 CS	Favorable With Committee Substitute	Yeas: 17	Nays: 0
HB 1331	Temporarily Deferred		
HB 1425	Favorable	Yeas: 16	Nays: 0

Committee meeting was reported out: Wednesday, April 05, 2006 7:18:18PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 1331

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

**ADOPTED**

4/5/06

Council/Committee hearing bill: Business Regulation  
Representative(s) Zapata offered the following:

**Substitute to Strike All Amendment by Zapata (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. (1) POLICY.—It is the policy of the state that citizens who wear contact lenses pursuant to valid prescriptions should not be unreasonably denied the opportunity to purchase their contact lenses from their retailer of choice.

Section 2. (1) DEFINITIONS.—As used in this act:

(a) "Alternative channels of distribution" means any mail order company, Internet retailer, pharmacy, buying club, department store or mass merchandise outlet, without regard to whether it is associated with a prescriber, unless the account meets the definition of a competitor as provided for in this section.

(b) "Competitor" means an entity that manufactures contact lenses and sells those lenses within the state in direct competition with any other manufacturer.

(c) "Manufacturer" means a manufacturer, its parents, subsidiaries, affiliates, successors and assigns.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 (d) "Prescriber" means an individual licensed or authorized  
24 to prescribe contact lenses in this state.

25 Section 3. CERTIFICATION OF AVAILABILITY OF CONTACT LENSES  
26 --EXCEPTIONS.

27 (1) Beginning July 1, 2006, a manufacturer of contact  
28 lenses doing business in the state shall certify by affidavit to  
29 the Attorney General those brands of contact lenses produced,  
30 marketed, distributed or sold by the manufacturer in the state  
31 that are made available in a commercially reasonable and  
32 nondiscriminatory manner to:

33 (a) prescribers;

34 (b) entities associated with prescribers; and

35 (c) alternative channels of distribution

36 (2) Notwithstanding any other provision of law, a  
37 manufacturer shall only sell, market or distribute lenses in the  
38 state that have been certified under subsection (1).

39 (3) Subsections (1) and (2) do not apply to:

40 (a) rigid gas permeable lenses;

41 (b) bitoric gas permeable lenses;

42 (c) bifocal gas permeable lenses;

43 (d) keratoconus lenses;

44 (e) custom soft toric lenses that are manufactured for an  
45 individual patient and are not mass marketed or mass produced;  
46 or

47 (f) custom designed lenses that are manufactured for an  
48 individual patient and are not mass marketed or mass produced.

49 (4) Any time a brand ceases to be made available after July  
50 1, 2006, the manufacturer shall immediately certify that fact by  
51 affidavit to the Attorney General.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(5) Nothing in this section shall be construed to require a prescriber to stock, sell or prescribe any specific type brand or specific manufacturer's line of contact lenses.

Section 4. MANUFACTURER'S CONDUCT.—Nothing in Section 3 is intended to require a manufacturer to:

(1) sell to a competitor;

(2) sell contact lenses to different contact lens distributors or customers at the same price;

(3) open or maintain any account for a contact lens seller who is not in substantial compliance with applicable state and federal laws regarding the sale of contact lenses;

(4) decide whether a low volume account with a contact lens seller is a direct account or handled through a distributor; or

(5) sell to customers in all geographic areas lenses that are being test marketed on a limited basis in one geographic area.

Section 5. PENALTIES FOR VIOLATIONS.—

(1) Knowingly and intentionally violating Section 3 is a misdemeanor of the second degree punishable as provided in s. 775.082 or s. 775.083.

(2) The Attorney General may bring a civil action or seek an injunction and a civil penalty against a person, entity or manufacturer who violates Section 3.

(3) Monetary penalties resulting from this section shall be used for direct support services for Florida's blind and visually impaired residents, and shall be deposited in the Grants and Donations Trust Fund of the Division of Blind Services.

Section 6. This act shall take effect July 1, 2006.

===== T I T L E   A M E N D M E N T =====

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

83 Remove the entire title and insert:

84 An act relating to contact lens consumer protection;  
85 providing a policy statement; providing definitions;  
86 requiring manufacturer certification of contact lens  
87 brands; prohibiting the sale, marketing, or distribution of  
88 uncertified lenses; clarifying the application of  
89 certification requirements and prohibitions to certain  
90 conduct by manufacturers; providing penalties; requiring  
91 monetary penalties to be used for a specific purpose and be  
92 deposited in an existing trust fund; providing an effective  
93 date.